



BARRINGTON PLANNING BOARD MEETING
Barrington Annex (next to the Elementary School)
572 Calef Highway
Barrington, NH 03825
Tuesday February 3, 2015
6:30 p.m.

Staff Recommendations

ROLL CALL

Anthony Gaudiello-Chair
Jason Pohopek Vice-Chair
Joshua Bouchard
George Calef
Jackie Kessler
Bob Williams
Dennis Malloy, Ex-officio

Alternate Member: Daniel Ayer
Fred Nichols
Richard Spinale

Town Planner: Marcia Gasses

MINUTES REVIEW AND APPROVAL

1. Approval of the January 20, 2015 Meeting Minutes.

ACTION ITEMS

2. [268-1& Additional Lots –GR-13-SUB \(Gerrior Lane Trust\)](#) Request by applicant to present a Section 9.6 application for Special Permit for Construction in wetland buffer, Subdivide and create 10 lots, construct approximately 990LF of roadway, a shared driveway and realign a portion of Saint Matthews Drive located on Gerrior Lane and Saint Matthews Drive (Map 268, Lots 1, 1.1, -1.6 and 260-70-78) in the General Residential (GR) Zoning District. By: Michael Sievert, P.E.; MJS Engineering, P.C.; 5 Railroad Street; Newmarket, NH 03857

- The original approval was signed by the Boards designee on September 22, 2005
- Application for modification of Phase II was received on May 15, 2013
- The Technical Review Committee met with the applicant's representatives on June 13, 2013
- Revised plans were received on July 1, 2013
- The application was accepted as complete on July 9, 2013 and has been continued to this point while the applicant hired Counsel to work on modification of the conservation easement area.
- Revised plans were received on July 21, 2014
- Abutters were renotified on July 22, 2014
- The Board scheduled a site walk for August 19, 2014
- The existing building in the right of way must be removed prior to certification of the plans, please label "to be removed"
- Add the Aot Permit number to the plan
- Add the State subdivision approval number to the plan
- The amount and type of performance guarantee must be set prior to final approval of the plan. (Reference 8.3 & 12.8 of the Town of Barrington Subdivision Regulations)
- Maintenance easement for shared driveway reviewed by Town Attorney
- Intent to excavate must be filed if more than 1000 cubic yards of material leaves the site
- The applicant must submit a plan for the handling of the gravel and rock on site
- Lots on sheet C2 are numbered incorrectly
- Plan set should include the existing approved layout for reference purposes
- Show wetland buffer on land to be transferred to Conroy, lot line adjustment part of prior approval
- Explain if the shared driveway will be constructed in conjunction with the proposed road construction. The construction of the shared driveway involves a number of drainage structures and should be completed in conjunction with required road improvements.
- Response has not been received to the September 16 review comments by Dubois & King.
- Drafts of all easement language which may need to be revised from the prior approval must be provided to the Land Use Office for review by Town Counsel
- The Applicant's legal counsel has provided a letter from the Attorney General regarding the Conservation Easement
- A waiver request for 3' shoulder where 6' shoulders are required was granted on December 2, 2014
- A 9.6 Special Permit for wetland buffer impacts was granted on December 2, 2014
- The application was continued on January 6, 2015 to the February 3, 2015 meeting
- A material processing site plan

The Board should review the material processing plan. A draft Notice of Decision for the Board's review is below.

DRAFT

NOTICE OF DECISION

[Office use only]	Date certified:	As builts received:	Surety returned
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<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
268-1 & Additional Lots-GR-13-SUB (Gerrior Lane Trust) Request by applicant to present a 9.6 application for Special Permit for Construction in the wetland buffer, subdivide and create 10 lots, construct approximately 990 LF of roadway, a shared driveway and realign a portion of St. Matthews Drive located on Gerrior Lane and Saint Matthews Drive (Map 268, Lots 1, 1.1-1.6, and 260-70 and 78) in the General Residential (GR) Zoning District. By: Michael Sievert, P.E.; MJS Engineering, P.C.; 5 Railroad Street; Newmarket, NH 03857			

Applicant: Peter M. Daigle Gerrior Lane Trust 1550 Falmouth Road #10 Centerville, MA 02632	Dated: XXX, 2014
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Dear applicant:

This is to inform you that the Barrington Planning Board at its , 2015 meeting **CONDITIONALLY APPROVED** your application referenced above.

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note* If all of the precedent conditions are not met within 6 calendar months to the day, by XXXXX, 2015 the board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. Extensions shall be granted only if there have been no amendments to the Zoning Ordinance, Subdivision Regulations, Non-residential Site Plan Regulations, or any other regulations which render the subdivision plan non-conforming, and if all other permits are still valid. It is the sole responsibility of the applicant (or his/her agent) to ensure that these conditions are met by this deadline. We urge the applicant to carefully track his/her progress in meeting the individual conditions. See RSA 674:39 on vesting.

Conditions Precedent

- 1) Plan modifications. The plans are to be modified as follows:
 - a) Confirm the NHDES Subdivision Approval Number is still valid and add to the plan
 - b) Add the NHDES AOT Permit Number to the Plan
 - c) Label structures to be removed, from right of way
 - d) Show areas of buffer impact on the plan set for which a 9.6 Special Permit was granted.

- e) Show wetland buffer on lot Map 260 Lot 39, which will receive .461 acres on Sheet 2 of 6
- 2) Add the following plan notes
 - a) A waiver was granted to Subdivision Regulations Table 1 Roadway Design, to allow a 3' shoulder where 6' was required.
 - b) A 9.6 Special Permit for disturbance to the wetland buffer was granted for areas indicated on the plan.
 - c) Any burial of stumps shall be at least 75 feet from any drinking water supply and the location shall be referenced in the deed.
 - 3) The existing building located in the proposed right of way must be removed prior to certification of the plan. A demolition permit from Code Enforcement is required.
 - 4) Proper and complete survey monumentation shall be installed on the properties as a condition of final approval of the application. Granite bounds shall be set at the intersection of existing and proposed lot sidelines with existing proposed streets. Iron pins (pipe or rod) are to be placed at all property line corners and angles, and at all points of tangency. Monuments for the lot being developed shall be placed not more than 300 feet apart in any straight line. The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the submitted plan. *(Bounds along the proposed roadway may be installed after installation of roadway)*
 - 5) The applicant shall submit drafts of all proposed revised Homeowner's Association Documents, addressing road maintenance, drainage, and open space. These documents shall be reviewed by the Land Use Office, with consultation by the Town Attorney on the proper form of the documents.
 - 6) The amount and type of the performance guarantee must be set under advice from the Town Engineer prior to the final approval of the plans, including a construction timeline for completion of improvements.
 - 7) Any outstanding fees shall be paid to the Town
 - 8) The applicant proposes to excavate on-site gravel for use in road construction and other on-site development. Provide a note on Sheet MPP explaining how the disturbed area will be stabilized.
 - 9) Provide maintenance easement language for shared driveway to be reviewed by the Town attorney.
 - 10) All back taxes must be paid prior to certification of the plans.
 - 11) The applicant shall submit five (5) complete plan sets, one 11"x17" paper copy, a PDF and supporting documents explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Barrington's file.

General and Subsequent Conditions

- 1) Prior to beginning Phase I Construction the developer shall post acceptable performance guarantee with the Town. The guarantee shall cover the estimated cost of constructing and installing all Phase I improvements, including street work (both Public and private); drainage facilities; erosion and sedimentation control mechanisms; and stabilization of the Material Processing Site. (*Reference sheets C4, C5, and MPP of the plan set*)
 - 2) Phase II - The developer shall post guarantee with the Town prior to the issuance of any building permits for the site. The guarantee shall cover the estimated cost of constructing and installing all site improvements and temporary mitigation mechanisms, including but not limited to: street work (both public and private roads); drainage facilities; erosion and sedimentation control mechanisms; other transportation related facilities; landscaping; fire protection; and other utilities. See 8.3.1(1) of the *Town of Barrington Subdivision Regulations*
 - 3) The applicant will sign an agreement for on-site inspections and provide an escrow amount to be determined by the Board's Agent after consultation with the Town's Engineer, for inspections to occur on-site during construction of site improvements.
 - 4) For roads proposed to be accepted by the Town, The Planning Board's Agent will not release the performance guarantee until a maintenance bond is in place. The Town will require a maintenance guarantee, covering the maintenance of public roads and other public improvements for a period of two (2) years from the date of completion, in the amount of 20% of the improvement costs. If repair or unusual maintenance is needed or additional improvements are required, then such costs as are necessary shall be drawn against the guarantee.
3. [263-27-RC-15-Sign \(Owner: George Fisher\)](#) Request by applicant to replace 2 wall signs on a 2.7 acre lot at 970 Calef Highway in the Regional Commercial Zoning District (RC) (Map 263, Lot 27). By: Heather Hopkins Dudko, Agent Philadelphia Sign Company; 2 Phoebe Way; Worcester, MA 01605
- The application was received by the Land Use Office on January 12, 2015
 - The public hearing was posted in the paper on January 21, 2015
 - Abutter Notices were sent on January 21, 2014

The application should be accepted as complete and the public hearing held. The application appears to be in compliance with the Town of Barrington Sign Regulations.

4. [110-19-GR-15-9.6 Permit \(Owner: Diva Development\)](#) Request by applicant to present a Section 9.6 Application for Special Permit for Construction in wetland buffer to construct a driveway on a 2.86 acre site located on Liberty Lane (Map 110, Lot 19) in the General Residential Zoning District. Applicant: Tony Franciosa, Kings Oak Properties, LLC; 14 Wadleigh Lane; Hampton Falls, NH 03844
- The application was received by the Land Use Office on January 12, 2015
 - The public hearing was posted in the paper on January 21, 2015
 - Abutter Notices were sent on January 21, 2014

Board members should review section 9.6 of the Zoning Ordinance and formulate questions based upon how the applicant has/or has not addressed the requirements of the ordinance. The applicant has not indicated the square footage of the impacts both temporary and permanent in the application. Staff recommends that the application be accepted as complete and a public hearing opened.

9.6..... Special Permit for Construction in a Wetland Buffer

A use not otherwise permitted in the wetlands buffer may be undertaken if the Planning Board approves an applicant's request for a Special Use Permit, provided such use is in keeping with the intent and purposes set forth in this Ordinance as permitted in the baser zoning district and meets the standards listed below. (Reference – RSA 674:21 II)

9.6(1).....After review of all reasonable alternatives it is determined to be infeasible to place the structure outside the buffer zone.

9.6(1)(a)..... The structure must be set back as far as possible from the delineated edge of the wetland or surface water; and

9.6(1)(b).....Appropriate erosion control measures must be in place prior to and during construction; and

9.6(1)(c).....Any disturbance to the surrounding buffer zone must be repaired and restored upon completion of construction; and

9.6(1)(d).....All available mitigation measures to address changes in water quality and quantity be implemented, along with design and construction methods to minimize adverse impacts, if required by the Planning Board.

COMMUNICATIONS RECEIVED

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

5. Presentation of certification of Cullen Woods Subdivision.
6. Presentation of certification of Good & Plenty/Appliance Business.
7. Presentation of certification of Carmichael/Bodge Subdivision.
8. Presentation of certification of Dorrance/Olsen Lot Line and Annexation.

SETTING OF DATE, TIME AND PLACE OF NEXT MEETING AND ADJOURNMENT

February 17, 2015 6:30 P.M.